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1 2 3 4 5	STEVEN G. KALAR Federal Public Defender Northern District of California DAVID RIZK Assistant Federal Public Defender 19th Floor Federal Building - Box 36106 450 Golden Gate Avenue San Francisco, CA 94102 Telephone: (415) 436-7700			
6 7	Facsimile: (415) 436-7706 Email: David_Rizk@fd.org			
8	Counsel for Defendant Bohannon			
9				
10	IN THE UNITED STATES DISTRICT COURT			
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA			
12	SAN FRANCISCO DIVISION			
13				
14	UNITED STATES OF AMERICA,	Case No.: CR 19–0039 CRB		
15	Plaintiff,	STIPULATION AND [PROPOSED] PROTECTIVE ORDER		
16	v.	PROTECTIVE ORDER		
17	WESLEY BOHANNON,			
18	Defendant.			
19				
20	With the agreement of Wesley Bohannon, the United States of America, and Microsoft			
21	Corporation (Microsoft), which has had notice of and consented through counsel to the following, the			
22	Court enters the following Protective Order:			
23	Defendant is charged with possession of child pornography in violation of 18 U.S.C. §			
24	2252(a)(4)(B) and (b)(2). Pursuant to Mr. Bohannon's subpoena, Microsoft will produce documents			
25	and other materials pertaining to the defendant and the charged offense to defense counsel. The			
26	discovery to be provided includes documents or other materials falling into one or more of the			
27	following categories (collectively, "Protected Information"):			
28	Personal Identifying Information of	1. Personal Identifying Information of any individual (other than his or her name),		

including without limitation any person's date of birth, social security number, residence or business address, telephone numbers, email addresses, driver's license number, professional license number, family members names, or criminal histories ("Personal Identifying Information");

- 2. Financial information of any individual or business, including without limitation bank account numbers, credit or debit card numbers, account passwords, contact information, and taxpayer identification numbers ("Financial Information"); and
- 3. Medical records or other patient information of any individual covered by the Health Insurance Portability and Accountability Act of 1996 (HIPPA) ("Medical Information").
- 4. Proprietary information, other third-party proprietary information, and other private party information, including confidential, research, development, or commercial information, other non-public financial data, and private individual data.

Microsoft may, in good faith, designate materials, such as documents and tangible things (including e-mail and electronic data), in this matter that contain Protected Information as "PROTECTED" and subject to this Protective Order.

To ensure that Protected Information is not subject to unauthorized disclosure or misuse, IT IS HEREBY ORDERED that defense counsel of record, their investigators, assistants, and employees (collectively, "the defense team") may review with the defendant all discovery material produced by Microsoft., but shall not provide a defendant with copies of, or permit defendant to make copies of, or have unsupervised access to, any discovery material produced by Microsoft that contains Protected Information, unless the Personal Identifying Information, Financial Information, and/or Medical Information has first been entirely redacted from the discovery materials. Microsoft and defense counsel are ordered to work together to ensure that these materials are protected, but that defendant has as much access to the materials as can be provided consistent with this Court's order. Defense counsel may also provide copies of Protected Information to any experts retained to assist with the preparation of the defense in the captioned case.

Defense counsel may provide any and all discovery, regardless of whether it contains Protected Information, to the government. Documents and tangible things designated as "PROTECTED" under this Protective Order shall be used only for the purpose of this matter and shall not be used for any

personal or business purpose, or in any other litigation or other proceeding, or for any other purpose, except by leave of Court. Anyone who receives discovery under this Order shall be provided a copy of this Order and shall initial and date the order reflecting their agreement to be bound by it before reviewing or possessing any documents subject to this Protective Order. This Order shall also apply to any copies made of any materials covered by this Order.

IT IS FURTHER ORDERED that neither a defendant nor any member of the defense team shall provide any discovery material produced by Microsoft—whether or not the material constitutes or contains Protected Information within the meaning of this Order—to any third party (i.e., any person who is not a member of the defense team) other than the government or make any public disclosure of the same, other than in a court filing, without further order of this Court. If a party files a pleading that references or contains or attaches Protected Information subject to this Order, that filing must be under seal.

IT IS FURTHER ORDERED that the defendant's counsel may maintain any discovery produced by Microsoft, including Protected Information, until the period for filing a motion under 28 U.S.C. § 2255 has expired. If the defendant files a motion under 28 U.S.C. § 2255, defense counsel shall return the documents and materials subject to this Protective Order within 14 days after the district court's ruling on the motion or 14 days after the conclusion of any direct appeal of the district court's order denying the motion, whichever is later.

This stipulation is without prejudice to either party applying to the Court to modify the terms of any protective order. This Court shall retain jurisdiction to modify this Order upon motion of either party even after the conclusion of district court proceedings in this case.

This Protective Order shall remain in full force and effect during and after the termination of this matter, whether by settlement, judgment, or other disposition or conclusion and all appeals therefrom, until modified by an Order of the Court.

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2		IT IS SO STIPULATED.
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4	Dated: March 31, 2020	
5		STEVEN G. KALAR
6		Federal Public Defender Northern District of California
7		/S
8		DAVID RIZK Assistant Federal Public Defender
9		Augustani Poderal Poderaci
10	Dated: March 31, 2020	DAMB L ANDERGON
11		DAVID L. ANDERSON United States Attorney
12		Northern District of California
13		/S
14		Special Assistant United States Attorney
15	Date: April 7, 2020	Special States Factories
16	Date. April 7, 2020	GRANTED
17		
18		Judge Charles R. Brever
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20		THERN DISTRICT OF
21		DISTRICT
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